

Message Text

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INFO OCT-01 EA-11 ISO-00 AGR-20 CEA-02 CIAE-00 DODE-00

EB-11 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06 NSAE-00

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NBS-GNICHOLS

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TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: BBAK, ETRD, JA

SUBJ: JAPANESE STANDARDS FOR REFRIGERATORS

REF: TOKYO 13446, TOKYO A-879

1. OUR INITIAL REACTION TO COMPLAINT REPORTED REFTTEL
IS THAT WHILE JAPANESE ARE ENTITLED OF COURSE TO
SET REASONABLE SAFETY STANDARDS FOR REFRIGERATORS, THE
REPORTED REQUIREMENT THAT JAPANESE-MADE LINE CORDS
AND PLUGS BE AFFIXED TO REFRIGERATORS UPON THEIR
IMPORTATION AND PRIOR TO DISTRIBUTION TO RETAILERS
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DISCRIMINATES AGAINST FOREIGN-MADE LINE CORDS AND PLUGS,

VIOLATES THE NATIONAL TREATMENT PROVISION OF GATT ARTICLE III, AND CONSTITUTES AN UNREASONABLE BARRIER TO THE SALES IN JAPAN OF FOREIGN-MADE REFRIGERATORS. OUR FULL ASSESSMENT, HOWEVER, MUST AWAIT EXAMINATION OF TEXT OF JAPAN ELECTRICAL APPLIANCES AND MATERIALS CONTROL LAW CITED AS ENCLOSURE IN REFAIR JUST RECEIVED.

2. SITUATION WITH RESPECT TO U.S. REQUIREMENTS AS APPLICABLE TO FOREIGN ELECTRICAL PRODUCTS IS AS FOLLOWS:

A. THERE ARE NO FEDERAL GOVERNMENT STANDARDS OR ADMINISTRATIVE REQUIREMENTS THAT MUST BE MET BY FOREIGN MANUFACTURERS PRIOR TO SALE OF APPLIANCES IN THE UNITED STATES.

B. THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), A PRIVATE FEDERATION OF TRADE ASSOCIATIONS, TECHNICAL SOCIETIES, PROFESSIONAL GROUPS AND CONSUMER ORGANIZATIONS, SERVES AS THE NATIONAL CLEARINGHOUSE AND COORDINATING BODY FOR VOLUNTARY STANDARDIZATION ACTIVITY IN THE UNITED STATES. ANSI THUS PROVIDES NATIONALLY ACCEPTED, BUT NOT MANDATORY, STANDARDS FOR MANY PRODUCTS, INCLUDING HOUSEHOLD REFRIGERATORS (STANDARD B 97.1-1971). THIS "AMERICAN NATIONAL STANDARD" IS ALSO A SAFETY STANDARD OF UNDERWRITERS' LABORATORIES, INC. (UL), AN INDEPENDENT SAFETY TESTING LABORATORY SPONSORED BY THE AMERICAN INSURANCE ASSOCIATION (STANDARD UL 250-JANUARY 1971).

C. POSSIBLE CONSTRAINTS ON THE SALE OF FOREIGN ELECTRICAL PRODUCTS IN UNITED STATES MAY STEM FROM RELUCTANCE OF SOME U.S. RETAILERS TO PURCHASE EQUIPMENT NOT TESTED AND CERTIFIED SAFE BY A PRIVATE TESTING LABORATORY, E.G., UL. ALSO CERTAIN LOCAL MUNICIPALITIES REQUIRE PRODUCT CERTIFICATION BY A PRIVATE TESTING LABORATORY, E.G., UL, AS CONDITION TO SALE IN THEIR JURISDICTIONS.

D. IT SHOULD BE EMPHASIZED THAT FOREIGN PRODUCTS ARE BEING TESTED AND ACCEPTED BY UL AND OTHER TESTING GROUPS. IN CASE OF REFRIGERATORS, AN INITIAL INSPECTION WOULD BE MADE IN UL'S INSPECTION CENTER IN NORTHBROOK, ILLINOIS. IF APPROVED, THE FOREIGN PRODUCT WOULD THEN BE ALLOWED TO CARRY THE UL SAFETY LABEL. TO RETAIN THE LABEL, PERIODIC INSPECTIONS AND CERTIFICATIONS WOULD BE MADE BY UNCLASSIFIED

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AFFILIATED FOREIGN INSPECTORS IN FOREIGN MANUFACTURER'S PLANT.

3. U.S.-EUROPEAN DISCUSSIONS OF ELECTRICAL STANDARDS, REFERRED TO PARA. 3 REFTL, INVOLVED EXCLUSIVE EUROPEAN CERTIFICATION SCHEME FOR ELECTRONIC COMPONENTS (CENEL AGREEMENT) RATHER THAN ELECTRICAL STANDARDS, AS SUCH. BOTH U.S. AND JAPAN HAVE COMPLAINED IN GATT ABOUT THIS

ARRANGEMENT, WHICH MOTIVATED DRAFTING OF GATT STANDARDS CODE (SEE PARA 5 BELOW). U.S. ALSO MET WITH CENEL COUNTRIES IN JUNE 1971 ON THIS QUESTION.

4. ANSI, EUROPEAN, AND JAPANESE STANDARDS GROUPS PARTICIPATE IN THE ONGOING WORK OF THE INTERNATIONAL ELECTROTECHNICAL COMMISSION (IEC) AND THE INTERNATIONAL STANDARDS ORGANIZATION (ISO). TOGETHER THESE ORGANIZATIONS HAVE PUBLISHED OVER 1500 RECOMMENDATIONS WHICH FORM THE LARGEST PART OF THE EXISTING BODY OF INTERNATIONAL VOLUNTARY STANDARDS.

WHILE THE IEC SETS DESIGN AND PERFORMANCE STANDARDS FOR ELECTRICAL PRODUCTS, IT HAS NO REQUIREMENT THAT PARTS HAVE A PARTICULAR NATIONAL ORIGIN.

5. GATT, WITH ACTIVE PARTICIPATION BY THE U.S. AND JAPAN, HAS COMPLETED TECHNICAL WORK ON A DRAFT CODE OF CONDUCT WHICH WOULD PROVIDE THAT STANDARDS AND CERTIFICATIONN ARE USED TO FACILITATE RATHER THAN IMPEDE TRADE. THE CODE, AS DRAFTED, WOULD APPLY TO BOTH MANDATORY AND VOLUNTARY STANDARDS. IT WOULD APPLY TO STANDARDS BODIES AT THE CENTRAL, STATE AND LOCAL GOVERNMENT LEVELS AND TO VOLUNTARY OR PRIVATE STANDARDS BODIES. COMMITMENTS WITH RESPECT TO BODIES OVER WHICH CENTRAL GOVERNMENTS HAVE NO DIRECT CONTROL WOULD BE ON A "BEST EFFORTS" BASIS. THE CODE, INTER ALIA, WOULD PROVIDE THAT THE PREPARATION OR APPLICATION OF TEST METHODS AND PROCEDURES FOR DETERMINING CONFORMITY WITH STANDARDS NOT CREATE UNJUSTIFIABLE OBSTACLES TO TRADE. IF PRACTICABLE, SUCH TESTS WOULD BE PERMITTED IN THE EXPORTING COUNTRIES. RUSH

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